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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/370,981	08/10/1999	YUICHIRO OGAWA	104018	8747

25944 7590 03/17/2003

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EXAMINER

FISCHER, JUSTIN R

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action****Application No.**

09/370,981

**Applicant(s)**

OGAWA, YUICHIRO

**Examiner**

Justin R Fischer

**Art Unit**

1733

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 24 February 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
 ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
 2. ☒ The proposed amendment(s) will not be entered because:  
 (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ they raise the issue of new matter (see Note below);  
 (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
 7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1, 2, 4 and 9.Claim(s) withdrawn from consideration: 6 and 8-10.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.  
 9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.  
 10. ☐ Other: \_\_\_\_\_

Continuation of 2. NOTE: As currently drafted, the claims require that "at least one of the two bead cores has a structure that one or more steel wires are arranged lengthwise and widthwise in the radial and widthwise directions". The proposed amendment, however, includes a pair of limitations that (a) restrict the structure of the bead core to a rectangular shape and (b) require that each of the bead cores have said rectangular shape. It is evident that the proposed limitations define a pneumatic tire structure that was not previously set forth and as such, would require further search and consideration.

While applicant contends that "the creation of the polygonal shape (of Gojo) requires an arrangement which can not be created by placing steel wires in both a radial and widthwise direction, it is the examiner's position that the polygonal bead of Gojo would indeed be formed as an arrangement of steel wires in the radial and widthwise directions. It is noted that such polygonal constructions are recognized in the tire industry as comprising a plurality of rows (widthwise direction) and columns (radial direction). Lastly, regarding the motivation to replace the carcass of Gojo with that detailed by Ueyoko, Ueyoko specifically describes the disadvantages of conventional carcass ply turnups in heavy-duty tires (i.e. tire of Gojo), in which stresses buildup at the turnup end, adhesion between said turnup end and the adjacent rubber deteriorates, and bead durability / reinforcement is compromised. Thus, Ueyoko recognizes the benefits of using a continuous carcass cord versus a rubber/cord laminate, particularly in heavy-duty tires.

Additionally, regarding the election of species requirement, nonelected claim 10 is directed to a tire construction in which the return portion extends from "an outside of the tire toward an inside of the tire". The elected species, on the other hand, is a tire construction in which the return portion extends from "an inside of the tire toward an outside of the tire". This construction is depicted in Figures 1, 3, 4, and 5, as acknowledged by applicant in the After Final Amendment (Page 3, 3<sup>rd</sup> Paragraph). On the contrary, the species of claim 10 is depicted in Figure 6. As such, it is evident that the embodiment of claim 10 contains a unique and separate means for establishing patentability, as compared to the embodiments of claims 1-4 and 9, that being the direction of the return portion. Therefore, restriction as previously set forth is maintained. Lastly, rejoinder will be considered upon the indication of any allowable subject matter on the basis thereof.

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3/12/03

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